



March 3, 1999

Ms. Susan M. Cory
General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 IH-35
Austin, Texas 78704-7491

OR99-0613

Dear Ms. Cory:

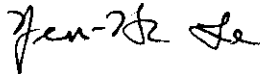
You ask whether certain information is subject to required public disclosure under chapter 52 of the Government Code. Your request was assigned ID# 122429.

The Texas Workers' Compensation Commission (the "commission") received a request for "[a] list of all criminal proceedings filed since January 1, 1990, as a result of Workers' Compensation Commission Compliance & Practices Division investigations." You claim that the requested information is excepted from disclosure under section 402.092 of the Labor Code as applied through section 552.101 of the Government Code and sections 552.108 and 552.111 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 402.092 of the Labor Code provides that information maintained in the investigative files of the commission is confidential and may not be disclosed except in four limited circumstances, none of which apply here. Labor Code § 402.092(a). "Investigative file" is defined as "any information compiled or maintained by the commission with respect to a commission investigation authorized by law." *Id.* § 402.092(d). After a review of the responsive information, we conclude that the requested information is, in this case, protected from disclosure because it was compiled in connection with investigations that the commission is authorized by law to conduct. Labor Code § 414.002. Therefore, the requested information is made confidential by statute and must not be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le".

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/ch

Ref: ID# 122429

Enclosures: Submitted documents

cc: Mr. Steve Windsor
Greer, Herz & Adams, L.L.P.
One Moody Plaza, 18th Floor
Galveston, Texas 77550-7998
(w/o enclosures)